

as a bait for catfish can contain the amino acids of the present invention for releasing the snapping a biting response of catfish. Therefore, it is requested that this rejection be withdrawn.

Claim 1 has been amended to include the proper Markush language, as suggested by the Examiner. Therefore, it is requested that this objection also be withdrawn.

Claims 1-7 have been rejected under 35 U.S.C. 103 as being unpatentable over Caprio (I, II, and III). It is the Examiner's position that the Caprio references teach that various amino acids can release the snapping a biting response of fish. The Examiner concludes by saying that it would be obvious in view of the Caprio references to include such amino acids with baits and lures. This rejection is respectfully traversed.

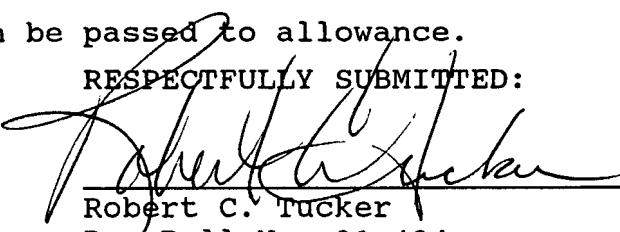
The Caprio (also a co-inventor of the present application) references do not teach or suggest any means which will cause a catfish to snap or bite. Snapping and biting are behavioral responses and are totally outside of the realm of the Caprio papers. Applicants' attorney was well aware of these technical papers when the instant application was drafted and as such the application was drafted around such teachings. With this in mind, the Examiner's attention is directed to the discussion on pages 2 and 3 of the instant application which deal with this subject. These two pages mention that the Caprio papers discuss research which was done to measure the sensitivity of the gustatory and olfactory receptors in catfish to various amino acids. These studies were electrophysiological studies and cannot predict how the biting and snapping behavior of the catfish will be for a given amino acid. That is, while experiments can be conducted to show that various receptors of a fish are sensitive to a particular agent, they cannot predict what the behavior of the fish will be for such agents. While a fish may be attracted

to a particular food, it does not mean that it will snap at it. The snapping behavior which is stimulated by the three amino acids of instant claim 1 are not dependent on food. That is, even if not food were present in the vicinity of the catfish and the amino acids, the catfish will still start to snap. In fact, the snapping is not just a simple snap or bite, but in most instances the catfish go into a snapping frenzy.

Applicant wishes to bring to the Examiner's attention, U.S. Patent Nos. 4,752,480; 4,693,897; 4,826,691; and 4,704,286 (copies enclosed) which disclose the use of amino acids in fishing lures and/or baits. These references were cited by the Examiner with the allowance of co-pending application U.S. Serial No. 742,361 filed August 8, 1991. None of these references teach the instantly claimed amino acids for releasing the snapping and biting response in ictalurid catfish.

Therefore, in view of the above of the above, it is applicants' position that the claims, as now amended, define a patentable invention over the art. Consequently, it is requested that this application be passed to allowance.

RESPECTFULLY SUBMITTED:



Robert C. Tucker
Bar Roll No. 31,434
ROY, KIESEL, AARON & TUCKER
2355 Drusilla Lane
P.O. Box 15928
Baton Rouge, LA 70895
(504) 927-9908